

RESOLUTION NO. _____

RESOLUTION OF THE
MAYOR AND CITY COUNCIL
TO APPROVE SCHEMATIC DEVELOPMENT PLAN SDP-03-004, TO
AMEND SCHEMATIC DEVELOPMENT PLAN SDP 7-1
FROM 26,000 SQUARE FEET OF RETAIL LAND USE AND 17,686 SQUARE
FEET OF OFFICE LAND USE AND 24,405 SQUARE FEET OF RETAIL CENTER
LAND USE FOR A TOTAL OF 42,091 SQUARE FEET OF MIXED LAND USE,
LOCATED AT 183 KENTLANDS BOULEVARD, MIDTOWN, KENTLANDS, LOT
1, BLOCK Q, 3.41 ACRES, IN THE MIXED USE DEVELOPMENT (MXD) ZONE,
GAITHERSBURG, MARYLAND

SDP-03-004

OPINION

This proceeding constitutes an action pursuant to §24-160D of the Zoning Ordinance (Chapter 24 of the Gaithersburg City Code) which authorizes the Mayor and City Council to review and approve a schematic development plan in the MXD (Mixed Use Development) Zone; and further, §24-160D.10 and 24-160D.11 in which the Mayor and City Council may approve an amendment to a schematic development plan, consistent with the procedures for amendment of optional method plans as provided in §24-198(c) of the City Code.

The subject property, Midtown, Kentlands, Lot 1, Block Q, is located at 183 Kentlands Boulevard, Gaithersburg, Maryland, in the MXD (Mixed Use Development) Zone.

OPERATIVE FACTS

The subject parcel is in Kentlands, located at 183 Kentlands Boulevard, is bordered by Great Seneca Highway and Kentlands Boulevard, and consists of approximately 3.41 acres of land.

A joint public hearing was held on schematic development plan SDP-03-004 on Monday, June 2, 2003, before the Mayor and City Council and Planning Commission. This plan is an amendment to schematic development plan SDP 7-1 approved on July 7, 1997. The hearing had been advertised in the *Gaithersburg Gazette* on May 14, 2003 and May 21, 2003, with the required parties given notice and the property posted per §24-196 of the City Code.

The Mayor and City Council and Planning Commission have reviewed the amendment to the schematic development plan submitted by the applicant and the evidence of record. The Schematic Development Plan, as submitted, requested a change in land use from 26,000 square feet of retail land use to 17,686 square feet of office land use and 24,405 square feet of retail center land use for a total of 42,091 square feet of mixed land use.

In July of 1997, the Mayor and City Council adopted Resolution R-86-97 approving Schematic Development Plan SDP 7-1, identified as Kentlands Midtown Phase 2, Section 3 & 4, Market Square, and Phase One of Lakelands. SDP 7-1 included 1,175 residential dwelling units, 46 live/work units, 15 townhouse offices, a 16,000 square foot office building, 264,918 square feet of retail space, 58,550 square feet of restaurant space and a 3,000 square foot service station.

Lot 1 is subject to a condition of schematic development plan approval that requires the building to be set on the axis created by the entrance drive prior to final site plan approval.

The building is located in the general location reflected by the approved schematic development plan. The building does sit on the axis created by the entrance drive off Kentlands Boulevard. The building material is brick and EFIS (Exterior Finish Insulation System). The building includes two tower elements. One of the towers is located at the axis created by the entrance drive on the west elevation and the other tower is located on the east elevation. The amendment includes a complete landscape plan.

At the June 2, 2003 Joint Public Hearing, the Planning Commission voted unanimously to close their record in eleven days, on June 13, 2003, and the City Council voted unanimously to close their record in thirty days, on July 2, 2003.

The Planning Commission, at their regular meeting of June 18, 2003, reviewed the complete record and voted to recommend approval of SDP-03-004 to the City Council with four (4) conditions as stated in Exhibit 9 of the record.

FINDINGS

The City Council has reviewed the evidence of record in Schematic Development Plan SDP-03-004 per §24-160 D.10 and agrees with the findings and recommendations of the City Planning Commission and accordingly based on the evidence of record finds:

1. That the amendment continues to be in accord with the sketch plan of identifying the subject area for commercial use.

2. The amendment accomplishes the purposes, objectives and requirements of the MXD Zone in that it is consistent with the land use element of the area master plan and is appropriately staged as part of a larger comprehensive multi use commercial center. The amendment encourages a compatible integration of office uses which will support proposed and existing retail use and provide more vitality to this commercial area.
3. The amendment enhances internal and external elements of compatibility with existing and planned land uses in the area in terms of the nature of use, size, scale and appearance of buildings in relation to buildings in the immediate surrounding area and provides an attractive and functional element along main access roads. The mix of retail and office uses is complimentary to each element and achieves the original vision of mixed use for this area giving it more of an appearance and full time presence of a Town Center than a strip commercial area. The tower elements on the east and west elevations are compatible with adjacent development and provide a more interesting architectural element than a traditional commercial building facade.
4. Existing public facilities are adequate to service the proposed development. An extensive road system efficiently services this area and all public water and sewer facilities are in place presently serving surrounding development. There is no evidence of capacity problems with either public facility. The relative impact in terms of the proposed scale of development when compared to what was originally approved and what exists in this commercial center is minimal.
5. The amendment would be in the public interest. As noted above, the mixed use concept will be furthered and the proposed uses and their appearance will be more consistent with a Town Center concept of creating increased daytime presence of population than merely adding more retail to an already considerable retail presence in this area. Streetscaping will be improved to create a more attractive presence and encourage pedestrian use.

CONCLUSION

Upon consideration of all the evidence pertaining to Schematic Development Plan SDP-03-004, an amendment to SDP 7-1, the City Council concludes that the applicant has met the burden of proof that Schematic Development Plan SDP-03-004 meets the requirements of the MXD zone and should be approved.

SCHEMATIC DEVELOPMENT PLAN (SDP-03-004)

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Gaithersburg, on July 21, 2003, that Schematic Development Plan SDP-03-004 is hereby approved subject to the following conditions:

1. Final elevations are to be approved by the Planning Commission;
2. Landscape plan is to be further refined by the applicant and;
3. The streetscape, including the street widths, sidewalk widths, street trees, planting strips, and sidewalk locations, is to be consistent with other similar projects in the City of Gaithersburg. The applicant is to work closely with City Staff to incorporate a final streetscape design of high quality to be reviewed and approved during the final site plan process;

ADOPTED by the City Council of the City of Gaithersburg on the 21st day of July, 2003.

Sidney A. Katz, Mayor and
President of the Council

THIS IS TO CERTIFY that the
foregoing resolution was adopted
by the City of Gaithersburg Mayor
and City Council in a public
meeting assembled on the 21st
day of July, 2003.

David B. Humpton, City Manager